

House Bill 1190 (AS PASSED HOUSE AND SENATE)

By: Representatives Wilkinson of the 52nd, Willard of the 49th, Geisinger of the 48th, Jones of the 46th, and Ashe of the 56th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, so as to modify and clarify the processes by which collection of unpaid tolls may be accomplished; to alter the fees and penalties which may be assessed for failure to pay the proper toll; to amend Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to enforcement of the provisions relating to registration and licensing of motor vehicles, so as to provide for suspension of the offender's motor vehicle registration for multiple violations of the toll provisions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, is amended by striking subsection (c) in its entirety and inserting in its place the following:

"(c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where appropriate signs have been erected to notify traffic that it is subject to the payment of tolls beyond such sign, without payment of the proper toll. In the event of nonpayment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall be liable to make prompt payment to the authority of the proper toll and an administrative fee of \$25.00 per violation to recover the cost of collecting the toll. The authority or its authorized agent shall provide notice to the registered owner of a vehicle, and a reasonable time to respond to such notice, of the authority's finding of a violation of this subsection. Upon failure of the registered owner of a vehicle to pay the proper toll and administrative fee to the authority after notice thereof and within the time designated in such notice, ~~the registered owner shall be cited for a violation of this subsection and,~~

1 upon conviction, shall be subject to the payment of a fine of not less than \$50.00 nor
2 more than \$100.00 for each and every violation of this subsection and any other fine or
3 penalty that may be prescribed by law for such violations. In the prosecution of an
4 offense, proof that the vehicle was operated in violation of this subsection, together with
5 proof that the defendant was at the time of such violation the registered owner of the
6 vehicle, shall constitute in evidence a rebuttable presumption that such registered owner
7 of the vehicle was the person who committed the violation. Such presumption shall be
8 rebutted if the registered owner of the vehicle testifies in open court under oath that he
9 was not the operator of the vehicle at the time of the violation. The court of the local
10 jurisdiction in which the violation occurred shall be authorized to assess and collect such
11 fine, in addition to any court costs, provided that the court shall also collect the proper toll
12 and administrative fee and forward such toll and fee to the authority. the authority may
13 proceed to seek collection of the proper toll and the administrative fee as debts owing to
14 the authority, in such manner as the authority deems appropriate and as permitted under
15 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the
16 proper toll and administrative fee after notice thereof and within the time designated in
17 such notice, the authority may refer the matter to the Office of State Administrative
18 Hearings. The scope of any hearing held by the Office of State Administrative Hearings
19 shall be limited to consideration of evidence relevant to a determination of whether the
20 registered owner has failed to pay, after notice thereof and within the time designated in
21 such notice, the proper toll and administrative fee. The only affirmative defense that may
22 be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle,
23 as evidenced by presentation at the hearing of a copy of a police report showing that the
24 vehicle has been reported to the police as stolen prior to the time of the alleged violation.
25 A determination by the Office of State Administrative Hearings of multiple failures to
26 pay by a registered owner of a vehicle shall subject such registered owner to imposition
27 of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty
28 payable to the authority of not more than \$70.00 per violation. Upon failure by a
29 registered owner to pay to the authority, within 30 days of the date of notice thereof, the
30 amount determined by the Office of State Administrative Hearings as due and payable
31 for multiple violations of this subsection, the motor vehicle registration of such registered
32 owner shall be immediately suspended by operation of law. The authority shall give
33 notice to the Department of Revenue of such suspension. Such suspension shall continue
34 until the proper toll, administrative fee, and civil monetary penalty as have been
35 determined by the Office of State Administrative Hearings are paid to the authority.

1 Actions taken by the authority under this subsection shall be made in accordance with
2 policies and procedures approved by the members of the authority.

3 (2) The registered owner of a vehicle which is observed being driven or towed through
4 a toll collection facility without payment of the proper toll may avoid liability under this
5 subsection by presenting to the authority a copy of a police report showing that the
6 vehicle had been reported to the police as stolen prior to the time of the alleged violation.

7 (3) For purposes of this subsection, for any vehicle which is registered to an entity other
8 than a natural person, the term 'registered owner' shall be deemed to refer to the natural
9 person who is the operator of such motor vehicle at the time of the violation of this
10 subsection, but only if the entity to which the vehicle is registered has supplied to the
11 authority, within 60 days following notice from the authority or its authorized agent,
12 information in the possession of such entity which is sufficient to identify and give notice
13 to the natural person who was the operator of the motor vehicle at the time of the
14 violation of this subsection."

15 **SECTION 2.**

16 Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
17 enforcement of the provisions relating to registration and licensing of motor vehicles, is
18 amended by inserting a new Code Section 40-2-135.1 immediately following Code Section
19 40-2-135, relating to revocation of license plates, to read as follows:

20 "40-2-135.1.

21 As provided in subsection (c) of Code Section 32-10-64, the motor vehicle registration of
22 any owner who has failed to pay, within 30 days of the date of notice thereof, the amount
23 determined by the Office of State Administrative Hearings as due and payable for one or
24 more violations of such subsection, shall be immediately suspended by operation of law."

25 **SECTION 3.**

26 This Act shall become effective on January 1, 2007.

27 **SECTION 4.**

28 All laws and parts of laws in conflict with this Act are repealed.